



DIGEST SUPPLEMENT

To Legislative Digest and History of Bills
Edition No. 1 Supplement No. 11*

FIFTY-EIGHTH LEGISLATURE

Tuesday, January 27, 2004

16th Day - 2004 Regular

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HOUSE

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*To be discarded upon receipt of Edition No. 2 of the Legislative Digest and History of Bills

House Bills

HB 2966 by Representatives Ahern, Lovick, Wallace, Boldt, Ormsby, Delvin, Benson, O'Brien, Bush, Campbell, Rockefeller and Chase

Increasing penalties for driving without insurance.

Declares that failure to provide proof of motor vehicle insurance when the driver is determined to be at fault in an accident that either causes: (1) Property damage; or

(2) Bodily injury as defined in RCW 9A.42.010(2)(a) to an occupant of a vehicle involved in the accident, other than the driver who lacks liability insurance is a gross misdemeanor.

Declares that failure to provide proof of motor vehicle insurance under conditions not constituting a violation of this provision is a misdemeanor.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 2967 by Representatives Schoesler, Cox, Rodne, G. Simpson, Bush, Ahern, Campbell, Roach, Clements, Armstrong, Holmquist, McMahan, Pearson, Orcutt, Woods, Condotta, Anderson and Newhouse

Providing mandatory sentences for sex crimes against children.

Establishes mandatory sentences for sex crimes against children.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Criminal Justice & Corrections.

HB 2968 by Representatives Linville, Quall and Rockefeller

Providing excise tax deductions for governmental payments to nonprofit organizations for salmon restoration.

Provides that, in computing tax there may be deducted from the measure of tax amounts received by a nonprofit organization from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof as grants to support volunteer recruitment, volunteer training, public outreach, and education for salmon restoration purposes. For the purposes of this act, "nonprofit organization" has the same meaning as in RCW 82.04.3651.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Finance.

HB 2969 by Representatives O'Brien, Miloscia, Lovick, Linville, McDonald, D. Simpson and Rockefeller

Expanding the convicted offender DNA data base.

Expands the convicted offender DNA data base.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Criminal Justice & Corrections.

HB 2970 by Representatives Clements, Chandler and Crouse

Limiting charges on certain municipal services.

Revises provisions relating to rate-based user charges for municipal water, sewer, natural gas, and drainage services.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Local Government.

HB 2971 by Representatives Morris, Crouse, Sullivan, Nixon, Ruderman, Anderson, Hudgins, Bush, Wood, McMorris, McDonald, Linville, Quall, Rockefeller and Kagi

Promoting qualified alternative energy resources.

Finds that: (1) In 2001, the legislature recognized the importance of advancing the development of a market for qualified alternative energy resources by requiring as a matter of law that all electric utilities in the state, except small utilities, offer a green rate option, which entails the offering of a voluntary option for retail electric customers to purchase qualified alternative energy resources through their local utility;

(2) Green rate options have generally been successful, even though they have been offered less than three years. However, two factors may be hindering the progress of these programs. One is that renewable resources have cost more than basic electric utility rates, making the options less economically attractive to customers. The second factor is a requirement that all costs associated with a green rate option must be borne by those customers who subscribe to it;

(3) Because all costs involved with providing a green rate option must be allocated to its subscribers, marketing costs can compound an option's comparatively high cost and may diminish customer interest in it; and

(4) The high cost of green rate options relative to basic electric utility rates may be a particular economic deterrent to low-income residential customers.

Declares: (1) It is in the public interest that electric utilities that offer a green rate option should be allowed a tax incentive to more aggressively market their programs with little or no additional expense to subscribers to the green rate option; and

(2) Low-income residential customers should be given an opportunity to benefit from subscribing to a green rate option and contribute to the betterment of the state's environment through a billing discount for a green rate option that is supported by a tax incentive. Any billing discount that is not supported by a tax incentive would merely add to the cost of a green rate option to other customers and thus reduce its economic attractiveness overall.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Technology, Telecommunications & Energy.

HB 2972 by Representatives Cooper, Hankins, G. Simpson, Wood and Uptegrove

Disallowing a tax deduction for motor vehicle fuel handling losses.

Repeals RCW 82.36.029.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 2973 by Representatives Hankins, Cooper, G. Simpson, Wood, Campbell, Nixon, Rockefeller and Kagi

Prohibiting quotas in the enforcement of traffic laws.

Declares that no law enforcement officer shall be required to do any of the following: (1) Issue a specific number of citations, notices of infraction, or warning notices during any specified time period for violations of traffic regulations;

(2) Stop a specific number of persons or vehicles during any specified time period for the purpose of preventing or detecting violations of traffic regulations;

(3) Make a specific number of arrests during any specified time period for traffic laws under chapter 46.61 RCW.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Criminal Justice & Corrections.

HB 2974 by Representatives Cooper, Hankins, G. Simpson, Wood and Chase

Modifying fuel tax payment provisions.

Revises fuel tax payment provisions.

Repeals RCW 82.36.405 and 82.38.289.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 2975 by Representatives Hankins, Cooper, G. Simpson and Wood

Providing transportation funding.

Provides that, in addition to all other license fees, passenger cars, travel trailers, and motor homes shall pay an annual roadway improvement fee of one and one-half cents per vehicle pound based on the vehicle curb weight. In addition, vehicles licensed under RCW 46.16.070 weighing less than ten thousand pounds shall pay an annual roadway improvement fee of one and one-half cents per pound based on the vehicle curb weight.

Requires the fee collected under this act to be deposited into the motor vehicle account. Two-thirds of the revenue will be used by the state exclusively for highway improvement projects. The remainder will be divided equally between counties and cities and distributed monthly to counties and cities by the state treasurer.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 2976 by Representatives Hankins, Cooper, G. Simpson, Quall, Rockefeller and Chase

Exempting ferry fuel used by Washington state ferries from excise taxes.

Exempts ferry fuel used by Washington state ferries from excise taxes.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 2977 by Representatives Hankins, Cooper and G. Simpson

Redistributing a portion of motor vehicle fuel taxes and license fees.

Redistributes a portion of motor vehicle fuel taxes and license fees to fund the construction of new ferries.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 2978 by Representatives Murray, Morris, Quall, Linville, Chase, Dickerson, Eickmeyer, G. Simpson, Morrell, Rockefeller, Kagi and Upthegrove

Requiring use of voter-verified paper ballots.

Requires all voting systems in Washington state to produce a voter-verified paper ballot, to be read and verified by the voter at time of voting, without the use of an interface, except as may be needed for certain disabled individuals, and placed in a ballot box either by the voter or voting machine, to be used as the official ballot in recounts and election audits.

Requires each county in the state to conduct mandatory random manual audits of the voter-verified paper ballots, of five percent of all precincts in all counties, of all races, of all votes cast on all ballots for that precinct, at the polling place. The audits must be random, chosen by lottery immediately after the polls close.

Declares that a manual audit of the voter-verified paper ballots is automatically required for anomalous results. The required audits are not part of the random five-percent audit requirement. Anomalous results are any of the following:

(1) Insufficient randomness;

(2) Discrepant trends in analysis of results in each precinct;

(3) Results reported very late;

(4) Excess overvotes or undervotes;

(5) Vote totals that do not match the number registered as having voted;

(6) Problems with vote counting or vote tabulating systems;

(7) Discrepancies in vote totals reported from the polling place to a central counting system, or from a central counting system to the state counting system;

(8) Excessive discrepancy between the electronic vote count totals and the voter-verified paper ballot totals, regardless of whether the discrepancy would overturn the election.

Requires a report of the polling place tally of votes to be posted at the polling place before transmission of vote totals to the county or central counting, and before ballots are transported to a central counting location. All polling place totals must be reconciled with the totals received at the central counting location. Each counting location must reconcile totals with county or state counting records.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to State Government.

HB 2979 by Representatives Kessler and Buck

Clarifying authority regarding ground water withdrawals.

Provides that, in addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency but may not limit or condition ground water withdrawals to protect existing water rights. Absent an interlocal agreement between a county and the department of ecology, the department of ecology retains sole authority over the regulation and appropriation of waters of the state, under chapters 90.03, 90.44, and 90.54 RCW.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture & Natural Resources.

HB 2980 by Representatives Kessler, Lantz, Hinkle, McCoy, Newhouse, Voloria, Dunshee, O'Brien, Blake, Buck, Hatfield and Chase

Establishing the historic county courthouse grant program. Establishes the historic county courthouse grant program for the protection and preservation of the state's historic county courthouses.

Creates the historic county courthouse account in the state treasury. Legislative appropriations for the purpose of the historic county courthouse grant program shall be deposited to the account.

Appropriates the sum of ten million dollars from the state building construction account for the fiscal year ending June 30, 2005, to the historic county courthouse account. The department of community, trade, and economic development may expend up to ten million dollars from the account during the fiscal year ending June 30, 2005, to carry out the purposes of this act.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Trade & Economic Development.

HB 2981 by Representatives Condotta, Grant, Ahern, Clements, Holmquist, Woods, Chandler, McMorris and Crouse

Declaring the exclusive authority of the state to establish minimum wage and hour standards.

Declares that chapter 49.46 RCW and chapter 39.12 RCW constitutes the exclusive state authority for the establishment of minimum wage and hour standards for employees in this state, and the state hereby fully occupies and preempts any such authority of any county, city, town, or other municipality. Any ordinance, resolution, or other legislative act by any county, city, town, or other municipality relating to minimum wage and hour standards on July 1, 2004, is, as of that date, null and void and of no effect, regardless of the nature of the home rule, charter, or code status of such county, city, town, or other municipality.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Commerce & Labor.

HB 2982 by Representatives Schoesler, Hinkle and Newhouse

Concerning use classifications for irrigation district conveyance and drainage facilities.

Directs the department to at the request of the United States bureau of reclamation and federal reclamation project irrigation districts cooperatively conduct a use attainability analysis of water bodies located within the boundaries of the federal reclamation project.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture & Natural Resources.

HB 2983 by Representatives Newhouse, Hinkle and Schoesler

Providing a definition of state waters.

Declares that "state waters" shall not include irrigation ditches, canals, drains, wasteways, storm water run-off devices, or other artificial watercourses including portions of any topographical feature that would be dry without the influence of irrigated agriculture return flows or the occurrence of local storm events or a heavy snow melt.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Fisheries, Ecology & Parks.

HB 2984 by Representatives Shabro, Kagi, Bush, Darneille, Dickerson, Roach, Rodne, Bailey, Boldt, Campbell, Nixon, McDonald, Kenney, Armstrong, Woods, Chase and Hunter

Requiring child fatality reviews for children involved in the child welfare system.

Requires the department of social and health services to conduct a child fatality review in the event of a death from any cause of a child: Who is in out-of-home care at the time of the child's death; or who had been reunified with the child's family at the time of the child's death following a placement in out-of-home care.

Provides that, upon conclusion of a child fatality review required pursuant to this act, the department shall issue a report on the results of the review.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services.

HB 2985 by Representatives Cody, Campbell, Kenney, Dickerson and Rockefeller

Providing for individual health insurance for retired and disabled public employees.

Provides that counties, municipalities, and other political subdivisions that make a documented good faith effort to comply with the provisions of this act and are unable to provide access to a group health benefit plan, shall assist disabled employees and retired employees in applying for health insurance. Assistance may include developing and distributing standardized information on the availability and cost of individual health benefit plans, application packages, and health benefit fairs.

Directs the office of the insurance commissioner, in cooperation with carriers licensed to offer individual health benefit plans, to develop and distribute to counties, municipalities, and political subdivisions the following

information: (1) Standardized information on the availability and cost of individual health benefit plans;

(2) Application procedures for individual health benefit plans; and

(3) Assistance in organizing health benefit fairs for their disabled or retired employees.

Repeals 2002 c 319 s 5 (uncodified).

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Health Care.

HB 2986 by Representatives Roach, Talcott, Rodne, Shabro, Schoesler, Nixon, Campbell, Woods and Anderson

Eliminating Washington estate tax on estates below the federal estate tax liability filing threshold.

Eliminates Washington estate tax on estates below the federal estate tax liability filing threshold.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Finance.

HB 2987 by Representatives Roach, G. Simpson, Dunshee, Murray, Anderson, Hatfield, Cairnes, Delvin, Buck and Woods

Offering motorcycle or motor-driven cycle insurance.

Requires an insurer who elects to write motorcycle or motor-driven cycle insurance in this state to provide information to prospective insureds about the coverage and provide an opportunity for prospective insureds to reject the coverage in writing.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Financial Institutions & Insurance.

HB 2988 by Representatives Boldt, Clements, Pearson, Bailey and McMahan

Protecting the rights of foster parents.

Establishes provisions to protect the rights of foster parents.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services.

HB 2989 by Representatives Anderson, Rockefeller, Cox, Quall, McMahan, Haigh, Benson, Miloscia, Eickmeyer, Lovick, Boldt, McDonald, Rodne and Morrell

Providing for family preservation education.

Requires each school district board of directors to develop and adopt a family preservation education program curriculum and offer a one credit family preservation course in high school. If the board of directors chooses not to adopt the model curriculum developed by the superintendent of public instruction, the board shall submit to the office of superintendent of public instruction a copy of its proposed curriculum for approval.

Directs the office of the superintendent of public instruction to develop a family preservation education program model curriculum that is available to each of the

school district boards of directors. The model curriculum shall be posted on the superintendent of public instruction's web site. The model curriculum shall include, but is not limited to, instruction on developing conflict management skills, communication skills, financial responsibility, and parenting responsibility.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Education.

HB 2990 by Representatives Newhouse, Carrell, McMahan, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Condotta and Nixon

Revising the seatbelt defense.

Amends RCW 46.61.688 relating to civil liability reform.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2991 by Representatives Carrell, McMahan, Newhouse, Benson, Boldt, Alexander, Bailey, Schindler, Holmquist, McDonald, Kristiansen, Roach, Cairnes, Woods and Condotta

Revising medical liability provisions.

Finds that it is in the best interest of the people of the state of Washington to contain the significantly increasing costs of malpractice insurance for licensed health care professionals and institutions and noninstitutional care providers in order to ensure the continued availability and affordability of health care services in this state by enacting further reforms to the health care tort liability system.

Finds that, notwithstanding the tort reform measures it has enacted in the past, the amounts being paid out in judgments and settlements have continued to increase inordinately, and that as a result there have been dramatic increases in the cost of health care professional liability insurance coverage.

Finds that the upward pressures on already high malpractice insurance premiums threaten the public's health by discouraging physicians and other health care professionals from initiating or continuing their practice in this state.

Finds that the state of California, largely as a result of its enactment of the "medical injury compensation reform act" in 1975, has been able to successfully stabilize the health care professional liability insurance market, maintain access to affordable quality health care services, and avert the kind of crisis now facing the residents of Washington.

Finds that such reforms are rationally related to the legitimate goals of reducing the costs associated with the health care tort liability system while ensuring adequate and appropriate compensation for persons injured as a result of health care, ensuring the continued availability and affordability of health care services in this state, preventing the curtailment of health care services in this state, stabilizing insurance and health care costs, preventing stale health care liability claims, and protecting and preserving the public health, safety, and welfare as a whole.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2992 by Representatives Newhouse, Carrell, McMahan, Benson, Bush, Campbell, Schoesler, Boldt, Schindler, Holmquist, McDonald, Kristiansen, Roach, Cairnes, Woods, Condotta and Nixon

Revising joint and several liability provisions.

Declares an intent to enact reforms that create a more equitable distribution of liability based upon one's proportionate share of fault.

Finds, notwithstanding the tort reform measures it has enacted in the past, that in many instances defendants continue to pay more than their proportionate share of a claimant's total damages. The legislature in the 1986 tort reform act adopted as the policy of this state that several, or proportionate, liability is the general rule, subject to certain limited exceptions.

Declares that this policy has been consistently recognized by the Washington state supreme court and most recently in *Tegman v. Accident & Medical Investigations*, 75 P.3d 497 (2003) when the court correctly stated "As we have consistently recognized, RCW 4.22.070 provides that several, or proportionate, liability is now intended to be the general rule." *Tegman*, 75 P.3d 499 (2003).

Declares an intent to limit further the exceptions to the general rule of several or proportionate liability.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2993 by Representatives Newhouse, Carrell, McMahan, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods, Condotta and Nixon

Revising post judgment interest rates.

Revises post judgment interest rates.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2994 by Representatives Newhouse, Carrell, McMahan, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods, Condotta and Nixon

Limiting obesity lawsuits.

Declares that any manufacturer, distributor, or seller of a food or nonalcoholic beverage intended for human consumption shall not be subject to civil liability for personal injury or wrongful death based on an individual's consumption of food or nonalcoholic beverages in cases where liability is premised upon the individual's weight gain, obesity, or a health condition related to weight gain or obesity and resulting from the individual's long-term consumption of a food or nonalcoholic beverage.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2995 by Representatives Carrell, Newhouse, McMahan, Benson, Rodne, Schoesler, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods, Condotta, Anderson and Nixon

Creating employer immunity for good faith job references.

Provides that an employer who discloses information about a former or current employee's job performance,

conduct, or other work-related information to a prospective employer, or employment agency as defined by RCW 49.60.040, at the specific request of that individual employer or employment agency, is immune from civil liability for such disclosure or its consequences when such disclosure is made in good faith.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2996 by Representatives McMahan, Newhouse, Carrell, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

Requiring certificates of merit in actions for damages.

Provides that a certificate of merit shall be filed by the claimant's attorney as specified in this act within ninety days of filing or service, whichever occurs later, of any action asserting a claim, cross-claim, counter-claim, or third party claim for damages arising out of: The failure to comply with the standard of care by a person licensed, registered, or certified under Title 18 RCW; the negligence of a health care facility as defined in RCW 48.43.005; or a product liability claim under chapter 7.72 RCW.

Provides that the court may, for good cause shown, extend the period of time within which filing of the certificate is required. In no event shall the period of time for filing the certificate of merit exceed one hundred twenty days from the date of filing or service, whichever occurs later.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2997 by Representatives McMahan, Carrell, Newhouse, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

Revising provisions relating to governmental activities.

Declares that, while the common law doctrine of sovereign immunity declares that the state is immune from liability for the tortious conduct of its employees and officers, Article II, section 26 of the state Constitution allows the legislature to waive its immunity and specify by statute "in what manner, and in what courts, suit may be brought against the state."

Finds that these constitutional principles are not adequately served by either complete sovereign immunity or the complete waiver of sovereign immunity. Pursuant to the express authority of Article II, section 26 of the state Constitution, the purpose of this act is to recognize and implement these fundamental constitutional principles while providing a fair and equitable means of recovery against governmental entities for the negligent acts of their employees and officers.

Finds that government agencies administer programs, in the exercise of their constitutional, statutory, and moral obligations, that inherently create a significant risk of tort liability in the absence of sovereign immunity. This potential liability is unique to the governmental function.

Declares that, as a result, state and local governments are not similarly situated to individual and private organizations, who are not under legal or moral obligations to provide for the public health, safety, and welfare. For these reasons, the legislature finds it necessary and

appropriate to distinguish between the civil liability of private entities and governmental agencies.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2998 by Representatives McMahan, Newhouse, Carrell, Benson, Boldt, Bailey, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

Revising construction liability provisions.

Provides that, notwithstanding RCW 51.24.030(1), the injured worker or beneficiary may not seek damages for an injury or occupational disease occurring in the course of employment at the site of a construction project, whether accomplished by a single contract or by multiple contracts, against the owner or developer of the project or against any person or entity performing work, furnishing materials, or providing services to or for the construction project.

Declares that the immunity provided by this act does not extend to any person or entity who injures a worker by deliberate intention as defined in RCW 51.24.020, and it is against public policy to seek indemnification in construction contracts against such liability. Such contractual clauses are void and unenforceable.

Declares that the immunity provided by this section does not extend to manufacturers and product sellers for product liability actions as defined in chapter 7.72 RCW.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 2999 by Representatives McMahan, Carrell, Newhouse, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

Changing provisions regarding products liability actions.

Provides that, in a products liability action alleging that an injury was caused by a failure to provide adequate warnings or information with regard to a pharmaceutical product, the defendant or defendants shall not be liable with respect to such allegations if the warnings or information that accompanied the product in its distribution were those required by the United States food and drug administration for a product approved pursuant to the federal food, drug, and cosmetic act (21 U.S.C. Sec. 321, et seq.) or section 351 of the public health service act (42 U.S.C. Sec. 262), or the warnings provided were those set forth in monographs developed by the United States food and drug administration for pharmaceutical products that may be distributed without an approved new drug application.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 3000 by Representatives McMahan, Carrell, Newhouse, Benson, Boldt, Schindler, Holmquist, Kristiansen, Cairnes, Woods and Condotta

Revising manufacturer distribution liability provisions.

Provides that a manufacturer of goods is not liable for harm caused by defects in goods attributed to such a manufacturer where the goods have been purchased through a chain of distribution that does not establish the manufacturer as the lawful source of the defective product.

This act does not apply where the harm is caused by: (1) Willful or wanton acts of negligence by the manufacturer; (2) Conscious indifference or reckless disregard for the safety of others by the manufacturer; or (3) Intentional conduct on the part of the manufacturer.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 3001 by Representatives Pettigrew, Boldt, Flannigan, Bailey, Kagi, Clibborn, Shabro, McDermott, Dickerson, Miloscia, Darneille, Roach, O'Brien, Morrell, Santos, Linville, Lantz, Wood and Chase

Authorizing kinship caregivers to consent to medical care.

Declares an intent to assist children in the care of kin to access appropriate medical services. Children being raised by kin have faced barriers to medical care because their kinship caregivers have not been able to verify that they are the identified primary caregivers of these children. Such barriers pose an especially significant challenge to kinship caregivers in dealing with health professionals when children are left in their care with no warning.

Provides that, to assist kinship caregivers in executing adequate and appropriate decisions regarding the medical needs of a child in their care, a mechanism is hereby created to authorize kinship caregivers to consent to medical care for those children in their care.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services.

HB 3002 by Representatives Cooper, Lovick, Romero and Chase; by request of Washington State Patrol

Authorizing statewide regulation of outdoor burning.

Provides that, whenever the state fire marshal finds that conditions of extreme fire hazard exist and that state resources or the protection of life and property may be in danger, the fire marshal may recommend to the governor that the governor prohibit all outdoor burning on public and private land throughout the state or within specific portions of the state.

Provides that, upon receiving such a recommendation from the state fire marshal, if the governor finds that state resources or the protection of life and property are in danger then the governor may issue an executive order forbidding all outdoor burning throughout the state or within specific portions of the state. The order shall be in effect until rescinded by the governor.

Declares that it shall be unlawful for any person to conduct or cause to be conducted any outdoor burning at any time and place as is forbidden by an executive order issued pursuant to this act.

Provides that intentional violation of this act is a crime and shall be punished as a gross misdemeanor.

Provides that negligent violation of this act is a class 1 civil infraction pursuant to chapter 7.80 RCW.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Fisheries, Ecology & Parks.

HB 3003 by Representatives Boldt, Ahern, Mielke and Orcutt

Increasing the payment period for excise taxes.
Increases the payment period for excise taxes to twenty-five days.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Finance.

HB 3004 by Representatives Miloscia and Rockefeller

Reforming campaign financing.
Revises provisions relating to reform of campaign financing.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to State Government.

HB 3005 by Representatives Miloscia, G. Simpson and Boldt

Providing oversight of state agency contracts.
Establishes procedures for providing oversight of state agency contracts.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to State Government.

HB 3006 by Representative Sommers; by request of Office of Financial Management

Submitting budget requests to the director of financial management.
Revises provisions for submitting budget requests to the director of financial management.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Appropriations.

HB 3007 by Representatives Cody and Skinner; by request of Department of Social and Health Services

Allowing limited home care case management resources to be targeted to consumers in greatest need.

Recognizes the importance of case management as a critical home and community care service and maintains its commitment to this system of services; however, the legislature also affirms that in the event of limited case management resources, case management service expectations should match available resources.

Finds that limited case management resources should be targeted to those with the greatest care needs and the least ability to meet those needs.

Repeals RCW 74.39.030.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Health Care.

HB 3008 by Representatives Cooper, Kristiansen, Sullivan, Campbell and Pearson

Designating highways of statewide significance.

Designates highways of statewide significance.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Transportation.

HB 3009 by Representatives Schindler, Boldt and McMahan

Prohibiting cities or towns from imposing land use controls outside their jurisdiction through utility agreements.

Declares that, except as otherwise provided in this act, a city or town that provides water or sewer service outside the corporate boundaries of the city or town shall not, as condition of providing water or sewer service, impose, demand, or negotiate any condition requiring: (1) Lot sizes different from those required by the jurisdiction with zoning authority over the property; or

(2) Other development or design requirements not required by the local government with jurisdiction over the property.

Provides that a city or town may impose conditions not otherwise allowed under this act if the conditions are necessary to the proper functioning of the water or sewer service. The burden of proof shall be on the city or town to demonstrate that the condition is necessary to the proper functioning of the water or sewer service.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Local Government.

HB 3010 by Representatives Schindler, Mielke, Boldt and Wood

Reducing congestion during traffic emergencies.

Finds that the central Puget Sound region ranks among the most congested metropolitan areas of the nation.

Finds that the state department of transportation has in service over two hundred miles of high-occupancy vehicle lane miles in the region and it is imperative that those lanes be used to improve mobility within the region.

Declares it is the policy of the legislature to improve the effectiveness of the high-occupancy vehicle lanes by using the excess capacity of those lanes during periods of congestion caused by traffic emergencies.

Requires that, for highways under its jurisdiction, the state department of transportation shall permit all vehicles, except those vehicles licensed for a weight in excess of ten thousand pounds gross vehicle weight, to use those lanes which are otherwise reserved for vehicles carrying a minimum number of occupants during periods of extreme traffic emergencies.

Directs the department to determine criteria when such an emergency should be declared and when it should end. The department shall use appropriate technology to notify the public when an emergency is in effect, including but not limited to public service radio announcements.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Transportation.

HB 3011 by Representatives Woods and Cairnes

Excluding permit costs from excise taxation.
Excludes permit costs from excise taxation.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Finance.

HB 3012 by Representatives Woods, Murray, Cooper, Lantz, McMahan, Dickerson, Rockefeller and Chase

Providing Kingston-Seattle and Southworth-Seattle passenger-only ferry service.

Finds that passenger-only ferry service is an important component in the overall state transportation system.

Finds that in order to allow options for the traveling public, state-sponsored passenger-only service must continue to be provided and expanded where practical.

Directs the department to provide passenger-only ferry service connecting Southworth directly with Seattle and connecting Kingston directly with Seattle. This service at minimum must be provided during work-day commuter hours.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 3013 by Representatives Woods, Bailey, Erickson and McMahan

Authorizing immediate approval by the utilities and transportation commission of passenger-only ferry service.

Authorizes immediate approval by the utilities and transportation commission of passenger-only ferry service.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 3014 by Representatives Woods, Murray, Cooper, Lantz, McMahan and Rockefeller

Enhancing Seattle-Bremerton ferry service.

Declares that it is the goal of the state of Washington to provide adequate ferry capacity in corridors where service elements have been eliminated or reduced. In the case of the Seattle-Bremerton ferry corridor, the elimination of passenger-only services has caused significant inconveniences to the traveling public including reduced service frequency and service hours and crowded conditions for passenger-on auto ferries.

Directs the department to assign two super-class ferry vessels or equivalent vessels in terms of auto and passenger capacity and speed to the Seattle-Bremerton ferry run. This action is aimed at improving service in the corridor in order to provide greater passenger capacity during peak periods and provide once-hourly frequency of service, which must include a 5:20 a.m. departure from Bremerton.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 3015 by Representatives Orcutt, Sump, Hunt, Kristiansen, Schoesler and Boldt

Concerning timelines for forest riparian easements.

Provides that the department of natural resources must provide payment, no more than thirty days after the effective date of this act, to any applicant to the forest riparian easement program who has satisfied, by the effective date of this act, the requirements for payment in RCW 76.13.120.

If the department of natural resources fails to provide payment to the applicant within the required timelines, then interest will be payable to the applicant as specified in RCW 76.13.120.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture & Natural Resources.

HB 3016 by Representatives Boldt, Mielke and Orcutt

Modifying excise tax accounting requirements.

Provides that a taxpayer may elect to file returns based on cash receipts or accrual basis, regardless of which method is used for the taxpayer's regular books of account.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Finance.

HB 3017 by Representatives Miloscia, Linville, Haigh, Grant, O'Brien, Morrell, Santos, Kenney, Lantz and Rockefeller

Establishing priorities of government.

Finds that a priorities of government board is needed to: (1) Encourage the discussion and understanding of critical global, national, and state economic trends that will affect the Washington economy in the coming decades;

(2) Formulate and submit to Washingtonians a strategy that describes and explains a vision for Washington's economic progress over the next twenty to thirty years; and

(3) Submit to the legislature, for enactment, goals for Washington's progress, including measurable indicators of the achievement of those goals, as provided for in this act.

Encourages each major caucus in the senate and each major caucus in the house of representatives to establish its priorities of government.

Encourages the supreme court to establish its priorities of government.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to State Government.

HB 3018 by Representatives Orcutt, Benson, Jarrett, G. Simpson, Campbell, Boldt, Rockefeller and Chase

Establishing veterans' license plates.

Establishes veterans' license plates.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 3019 by Representatives Condotta, Holmquist, McMorris, Crouse, Clements, Boldt, Schindler and Woods

Limiting contractor liability for the industrial insurance premiums of subcontractors.

Declares that, for the purposes of this act, a public entity is not responsible for any premiums upon the work of any subcontractor if the subcontractor has an industrial insurance account in good standing with the department when the contract is let.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Commerce & Labor.

HB 3020 by Representatives Cooper, Rockefeller, Kagi, Sullivan, Chase, G. Simpson, D. Simpson, Lantz, Dickerson, Lovick and Upthegrove

Reducing the risk of oil spills and spill damage.

Provides that the owner or operator of a tank vessel may not contract or agree to transfer oil to or from an onshore or offshore facility, or a vessel with a capacity over two hundred fifty barrels in Washington waters unless: (1) A person in charge of the operation who meets the qualifications required by 33 C.F.R. Sec. 155.710, as amended, conducts and oversees the operation on the barge; and

(2) At least one other person who meets the qualifications of a tankerman-assistant under 46 C.F.R. part 13, as amended, is on board to maintain an oil spill watch during the transfer.

Requires any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, and any person or facility transferring oil between an onshore or offshore facility and a covered vessel to deploy a boom prior to a transfer of oil to a vessel with an oil capacity over two hundred fifty barrels that provides a completely contained area around the vessel that meets standards adopted by the department by rule.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Fisheries, Ecology & Parks.

HB 3021 by Representatives Rockefeller, Cooper, Chase, Sullivan, Kagi, G. Simpson, D. Simpson, Lantz, Lovick and Upthegrove

Providing for oil spill prevention and response.

Recognizes that while the prevention of oil and hazardous substances spills and the goal of zero spills are the primary objectives of the oil spill program, the best available technologies for contingency planning and response must also be in place in the event that a spill does occur.

Provides that, to ensure that the state oil spill program is utilizing the most effective and up-to-date methods and technologies, the department of ecology shall initiate a review of current oil spill prevention and contingency plan requirements to determine their effectiveness in preventing and responding to oil and other hazardous substances spills.

Directs the department of ecology to create an oil spill review committee to implement this act.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Fisheries, Ecology & Parks.

HB 3022 by Representatives Holmquist, Cairnes, Schoesler, Hinkle, Newhouse, Boldt, Linville and Pearson

Providing property tax exemptions for farmers.

Declares that the following property is exempt from property taxes: (1) Motor fuel owned by a farmer; and

(2) Personal property owned by a farmer used for the maintenance of farm machinery and equipment.

Applies to taxes levied for collection in 2005 and thereafter.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Finance.

HB 3023 by Representatives Holmquist, Hinkle, Ahern, Rodne, Boldt, Armstrong, McMahan, Condotta and Anderson

Modifying the oath of office to include support for the principles of the Declaration of Independence.

Revises the oath of office to include support for the principles of the Declaration of Independence.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to State Government.

HB 3024 by Representatives Holmquist, Linville, Chandler, Grant, Orcutt, Armstrong, Schoesler, Condotta, Newhouse, Hinkle, Kristiansen and Pearson

Creating a limitation on state-owned farmland in reclamation project irrigation districts.

Provides that state lands within a district that have been segregated into farm units or are otherwise receiving water by means of project works shall not exceed the acreage held as of January 1, 2004.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture & Natural Resources.

HB 3025 by Representatives Talcott, Mielke, Bailey, Woods, Rodne, Nixon, Schindler, McMahan, Condotta and Anderson

Verifying lawful residency of driver's license applicants.

Authorizes the department to adopt rules to establish procedures for: (1) Verifying that a driver's license, permit, or identicard applicant's presence in the United States is authorized under federal law, including appropriate documentation of that status;

(2) Issuance of temporary licenses or permits pending verification of status; and

(3) Appeals hearings from denials and cancellation of licenses, permits, or identicards based on the requirement that a licensee, permit holder, or identicard holder be lawfully within the United States.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Transportation.

HB 3026 by Representatives O'Brien, Mielke, Darneille, Ahern, Pearson, Nixon and Linville

Revising provisions relating to correctional industries.

Declares an intent to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, the significant expansion of new or existing class I, class II, class III, or class IV correctional industries

work programs that unfairly compete with Washington businesses.

Declares an intent that the requirements relating to fair competition in the correctional industries work programs be liberally construed to protect Washington businesses from unfair competition.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Criminal Justice & Corrections.

HB 3027 by Representatives Conway, Wood, Simpson
Hudgins, McCoy, Morrell, Kenney and G.

Requiring repetitive motion injury notices.

Provides that, on January 1st of each year, the department shall publish lists of employers with the best and the worst records of repetitive motion injuries.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Commerce & Labor.

HB 3028 by Representatives Quall, Morris, Jarrett, Simpson
Hinkle, Linville, Bailey, McDermott and G.

Authorizing accessory dwelling units in rural counties.

Provides that any local government in a rural county may authorize the construction and use of one single-family residence and one accessory dwelling unit for each parcel in designated rural and resource lands.

Provides that a local government authorizing the construction and use of accessory dwelling units as provided by this act shall adopt additional regulations, conditions, procedures, and other limitations it deems necessary to protect rural character, environmentally sensitive areas, and open space, and to conserve the capacity of resource lands for commercial resource production.

Declares that an accessory dwelling unit shall not be considered a separate dwelling unit for density calculation purposes.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Local Government.

HB 3029 by Representatives Fromhold, Kenney, Lantz, Conway and Uptegrove
Moeller, Quall, Lovick, Sommers, Santos,

Authorizing the use of Mexican consular photo identification cards for identification purposes.

Finds that the Mexican government has developed a photo identification card, known as a *matricula consular*, for Mexican nationals residing in the United States. The *matricula consular* contains the holder's photo, name, United States address, and date and place of birth. Numerous security features and checks have been added to the *matricula consular*.

Finds that broadened recognition of the *matricula consular* as a valid form of identification will serve a public purpose by promoting access to many ordinary business or government services.

Finds that broadened recognition of the *matricula consular* as a valid form of identification will promote

important law enforcement purposes by encouraging the reporting of crimes, by increasing cooperation with law enforcement, and by avoiding efforts that law enforcement would otherwise have to make to establish identity.

Finds that recognition of the *matricula consular* for identification purposes only does not alter or affect the holder's immigration status, nor does it entitle the holder to services for which the holder is ineligible due to immigration status.

Encourages the government of Mexico to continue its efforts to issue secure identification to its citizens living in the United States, and to consider including additional identifying information, such as physical description, on the *matricula consular*.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 3030 by Representatives Carrell, Bailey, Benson, Boldt, McDonald, Alexander, Ahern, Schindler, Holmquist, McMahan, Pearson, Kristiansen, Roach, Cairnes, Woods, Condotta and Bush

Providing for omnibus civil liability reform.

Finds that counties, cities, other governmental entities, professionals, health care providers, businesses, individuals, and nonprofit organizations are finding it increasingly difficult to find affordable liability insurance. One of the drivers increasing the cost of liability insurance is the potential liability beyond one's proportionate share of fault that a defendant must be insured against.

Declares an intent to enact reforms that create a more equitable distribution of liability based upon one's proportionate share of fault.

Finds, notwithstanding the tort reform measures it has enacted in the past, that in many instances defendants continue to pay more than their proportionate share of a claimant's total damages. The legislature in the 1986 tort reform act adopted as the policy of this state that several, or proportionate, liability is the general rule, subject to certain limited exceptions.

Finds that this policy has been consistently recognized by the Washington state supreme court and most recently in *Tegman v. Accident & Medical Investigations*, 75 P.3d 497 (2003) when the court correctly stated "As we have consistently recognized, RCW 4.22.070 provides that several, or proportionate, liability is now intended to be the general rule." *Tegman*, 75 P.3d 499 (2003).

Declares an intent to limit further the exceptions to the general rule of several or proportionate liability.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Judiciary.

HB 3031 by Representatives McDermott, Dickerson, Santos, Kenney, D. Simpson, Quall, Conway and Kagi

Provide for certification of teachers of the deaf and hard of hearing.

Declares an intent to assist school districts in their efforts to attract teachers who are especially trained to work with deaf and hard of hearing students by directing the state board of education to establish certification for teachers of the deaf and hard of hearing.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Education.

HB 3032 by Representatives McDermott, Dickerson, Santos, Kenney, D. Simpson, Wood and Kagi

Providing for a spectrum of education services for the deaf and hard of hearing.

Finds that unbiased and comprehensive information about the spectrum of communication and educational options available to children who are deaf or hard of hearing should be provided to families upon enrollment in the prekindergarten through twelfth grade education system and upon the start of the individualized education plan transition services provided at age fourteen, to support informed choices at each of these critical decision-making points.

Provides that, by September 1, 2006, each school district shall be prepared to offer a spectrum of services, including sign language-based and oral-based programming, for students who are deaf or hard of hearing.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Education.

HB 3033 by Representatives Chandler, Grant, Schoesler and Armstrong

Regarding the agricultural use of water.

Declares that any withdrawal of water for stock watering purposes begun before the effective date of this act that is not otherwise embodied in a water right permit, certificate, or claim shall be deemed a water right in good standing and shall receive an agricultural water permit under chapter 90.44 RCW if: (1) The use of water exceeding the five thousand gallons per day as a daily average over the period of a year is filed by the water user with the department by July 1, 2006, and the filing is accompanied by proof of beneficial water use based on meter records, livestock numbers, or other appropriate means of demonstrating water use at the time of filing;

(2) The water used under a filing made under this act does not exceed the quantity or rate listed in a permit granted under the provisions of this act; and

(3) The water use remains as an agricultural use, as defined in RCW 90.03.380(9)(d).

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture & Natural Resources.

HB 3034 by Representatives Darneille and O'Brien

Selling or leasing contaminated property.

Establishes requirements for selling or leasing contaminated property.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Fisheries, Ecology & Parks.

HB 3035 by Representatives Darneille, Benson, Rodne, Hunt, Romero, O'Brien, G. Simpson, Morrell, Linville, Fromhold, Lovick, Conway, Rockefeller, Chase and Lantz

Providing compensation and benefits to active duty military members.

Provides that, if, on or after July 1, 2004, an officer or employee of the state is called to service in the uniformed services, as those terms are defined in chapter 73.16 RCW, for a period exceeding fifteen days, the officer or employee shall receive from the state the difference between his or her normal pay while employed by the state and his or her normal pay while serving in the uniformed services if the pay while serving in the uniformed services is less than the pay while employed by the state.

Provides that the officer or employee shall also continue to receive from the state any pension, retirement, health insurance, or life insurance benefits he or she was receiving prior to being called to service in the uniformed services as long as he or she continues to make any necessary employee contributions to those benefits that he or she would be making if still regularly employed by the state. Payment and benefits provided under this provision shall not exceed four years.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to State Government.

House Joint Resolutions

HJR 4216 by Representatives Jarrett, Conway, Skinner, Kirby, Hankins, Hunt, Mastin, Morris, Santos, Delvin, Kessler, Armstrong, Lantz, Kenney, Chase and Kagi

Amending the Constitution to allow four year excess tax levies for metropolitan park districts and library districts.

Proposes an amendment to the state Constitution to allow four year excess tax levies for metropolitan park districts and library districts.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Local Government.

HJR 4217 by Representatives Orcutt, G. Simpson and Linville

Providing for a constitutional amendment to permit legislators to reject salary increases.

Proposes a constitutional amendment to permit legislators to reject salary increases.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to State Government.

HJR 4218 by Representatives Holmquist, Boldt, Cairnes, Schindler, McDonald, Newhouse, Condotta, Ahern, McMorris and Hinkle

Amending the Constitution to require voter approval of taxes.

Proposes an amendment to the state Constitution to require voter approval of taxes.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Finance.

Senate Bills

SB 6571 by Senators Hewitt, Keiser, McAuliffe, Kastama and Winsley; by request of Department of Labor & Industries

Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account.

Provides additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Ways & Means.

SB 6572 by Senators Mulliken, Keiser, Franklin, Schmidt, Oke and Rasmussen

Concerning problem gambling.

Declares that it is the policy of the state of Washington to set a dedicated source of funding to increase treatment services for problem gamblers, training in the identification and treatment of problem gambling, public awareness and education regarding problem gambling, and specific education and treatment programs regarding problem gambling for adolescents.

Provides that, in addition to annual license fees authorized under RCW 9.46.070(5), the commission shall establish an annual licensing surcharge.

Requires that all funds received by the commission, or any employee thereof, from the licensing surcharge established in this act shall be deposited in the problem gambling treatment account.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Commerce & Trade.

SB 6573 by Senators Roach, Shin, Schmidt, Berkey, Brandland and Esser

Presenting an instrument to a county auditor or recording officer for recording.

Provides that, when any instrument is presented to a county auditor or recording officer for recording, the document shall not contain the following information: (1) A social security number;

(2) A date of birth identified with a particular person; or

(3) The maiden name of a person's parent so as to be identified with a particular person.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Government Operations & Elections.

SB 6574 by Senators Honeyford, Sheahan and Parlette

Providing a definition of state waters.

Declares that "state waters" shall not include irrigation ditches, canals, drains, wasteways, storm water run-off devices, or other artificial watercourses including portions of any topographical feature that would be dry without the influence of irrigated agriculture return flows or the occurrence of local storm events or a heavy snow melt.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Agriculture.

SB 6575 by Senators Honeyford and Sheahan

Concerning use classifications for irrigation district conveyance and drainage facilities.

Directs the department to at the request of the United States bureau of reclamation and federal reclamation project irrigation districts cooperatively conduct a use attainability analysis of water bodies located within the boundaries of the federal reclamation project.

-- 2004 REGULAR SESSION --
Jan 26 First reading, referred to Natural Resources, Energy & Water.

SB 6576 by Senator Mulliken

Revising educational employee collective bargaining provisions.

Recognizes the state's paramount duty to provide a basic education to all students residing in Washington.

Recognizes that uninterrupted service of educational employees is vital to the welfare of the state, and that such uninterrupted service must be ensured.

Acknowledges that the state's courts have long considered strikes by public employees, including teachers, to be unlawful, and in order to ensure that no student is denied his or her constitutional right to a basic education, the legislature affirms that strikes by public employees are unlawful.

Declares that it is unlawful for an employee or an employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike.

Declares that it is unlawful for an employer to conduct a lockout.

Requires that with respect to contracts for the 2004-05 school year and beyond, negotiations between an employer and the exclusive bargaining representative of a unit of employees under chapter 41.59 RCW must commence by May 1st.

Provides that, if by June 30th an agreement has not yet been ratified, the commission shall designate a fact-finder in accordance with rules for such designation adopted by the commission.

Provides that, for the purpose of hearings, investigations and inquiries, the fact-finder may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. On or before July 16th, the fact-finder must issue written findings of fact to the parties and to the commission.

Directs the commission to hold a public fact-finding hearing and make the findings available to the public if the parties have not reached a settlement within three days of their receipt of the findings.

Requires that, beginning the first day following the public fact-finding hearing, the parties must conduct contract negotiations daily until a contract is adopted. The negotiations must be open to the public.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Commerce & Trade.

SB 6577 by Senators Hargrove, Schmidt, Poulsen, Esser, Stevens, Berkey, Eide, McAuliffe and Rasmussen

Ordering a study of reporting requirements for community action agencies.

Recognizes the valuable role community action agencies play in delivering human services to low-income families and individuals of all ages in rural and urban areas of the state.

Recognizes that uncoordinated and duplicative electronic reporting requirements are placing extraordinary burdens on community action agencies. To alleviate these burdens, the legislature finds that state agencies must coordinate and standardize the data collection and reporting systems that are used in the administration and distribution of contracts with community action agencies.

Requires the joint legislative audit and review committee to study the feasibility of establishing common data collection, grant distribution, accountability requirements, and management standards for state agencies that work with community action agencies.

Requires the committee to submit a progress report to the appropriate policy committees of the legislature by September 1, 2004, and a final report to the same committees by September 1, 2005.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services & Corrections.

SB 6578 by Senators Roach, Berkey, Schmidt, Keiser, Murray, Shin, Oke, Rasmussen and Benton

Authorizing extended military leave for certain public employees.

Provides that every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States is entitled to and shall be granted military leave of absence from their employment for a period not exceeding two years subject to a mobilization under Title 10 of the United States Code.

Provides that, during the period of military leave, the officer or employee shall receive his or her normal pay from the state, or the county, city, or other political subdivision, after deduction of military pay. The office of financial management shall adopt rules necessary to implement this provision.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Government Operations & Elections.

SB 6579 by Senators Winsley and Berkey

Regulating insurance investments in limited liability companies formed to develop real property.

Regulates insurance investments in limited liability companies formed to develop real property.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Financial Services, Insurance & Housing.

SB 6580 by Senators Doumit, Oke and Jacobsen; by request of Washington State Patrol

Authorizing statewide regulation of outdoor burning.

Provides that, whenever the state fire marshal finds that conditions of extreme fire hazard exist and that state resources or the protection of life and property may be in danger, the fire marshal may recommend to the governor that the governor prohibit all outdoor burning on public and private land throughout the state or within specific portions of the state.

Provides that, upon receiving such a recommendation from the state fire marshal, if the governor finds that state resources or the protection of life and property are in danger then the governor may issue an executive order forbidding all outdoor burning throughout the state or within specific portions of the state. The order shall be in effect until rescinded by the governor.

Declares that it shall be unlawful for any person to conduct or cause to be conducted any outdoor burning at any time and place as is forbidden by an executive order issued pursuant to this act.

Provides that intentional violation of this act is a crime and shall be punished as a gross misdemeanor.

Provides that negligent violation of this act is a class 1 civil infraction pursuant to chapter 7.80 RCW.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Natural Resources, Energy & Water.

SB 6581 by Senator Hargrove

Funding for forest fire protection.

Amends RCW 76.04.610 relating to funding for forest fire protection.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Natural Resources, Energy & Water.

SB 6582 by Senators Keiser, Franklin, Kline and Fraser

Requiring employers to post notices of repetitive motion injuries.

Requires employers to post notices of repetitive motion injuries.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Commerce & Trade.

SB 6583 by Senators Berkey, Brown, Shin, McAuliffe, Keiser, Haugen and Rasmussen

Repealing the quality maintenance fee for nursing homes.

Repeals RCW 74.46.091, 74.46.535, and 82.71.020.

Declares that this act takes effect July 1, 2005, unless the waiver requested by the department of social and health services under RCW 74.46.091 has been approved by the federal department of health and human services. If the requested waiver is approved by July 1, 2005, this act is null and void.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Health & Long-Term Care.

SB 6584 by Senators Hewitt, McAuliffe, Honeyford and Eide

Modifying liquor licensing provisions.

Provides that licensees under RCW 66.24.320 that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises under the following conditions: (1) Agreements between the domestic winery and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcohol beverages to be served, and be filed with the board; and

(2) The domestic winery and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

Authorizes a domestic winery to hold three open to the public events on holidays on its manufacturing premises in any calendar year as long as it notifies the board or its designee of the date and time of the catered events.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Commerce & Trade.

SB 6585 by Senators Mulliken and Benton

Prohibiting HOV lanes on I-405.

Prohibits HOV lanes on I-405.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Highways & Transportation.

SB 6586 by Senators Honeyford and Prentice

Concerning electrical work on boilers.

Provides that, until July 1, 2005, the department of labor and industries shall cease to administer and enforce licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101, as applied only to maintenance work on the electrical controls of a boiler performed by an employee of a service company.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Commerce & Trade.

SB 6587 by Senators Stevens and McCaslin

Imposing fees to mitigate adverse environmental impacts.

Declares an intent: (1) To ensure that mitigation fees are imposed through established standards by which counties, cities, and towns may require by ordinance that new growth and development pay a reasonable cost only to mitigate specific adverse environmental impacts that are identified in the environmental documents prepared under this act;

(2) To ensure that mitigation fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same adverse environmental impact; and

(3) To add process to current statutory authority for mitigation and not allow for additional authority than currently provided in RCW 43.21C.060.

Declares an intent that mitigation fees: (1) Only be imposed to mitigate specific adverse environmental impacts that are directly related to the new development; and

(2) Not exceed the proportionate share of the costs reasonably related to the specific adverse environmental impacts caused by the new development.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Land Use & Planning.

SB 6588 by Senators Hargrove and Stevens

Adopting technical, clarifying, and nonsubstantive amendments to the legal financial obligation provisions of Engrossed Substitute Senate Bill No. 5990.

Adopts technical, clarifying, and nonsubstantive amendments to the legal financial obligation provisions of Engrossed Substitute Senate Bill No. 5990.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services & Corrections.

SB 6589 by Senators Hargrove, Stevens and Rasmussen

Authorizing appointment of expert evaluators in proceedings involving child dependency or termination of parental rights.

Authorizes the fact-finder to order expert evaluations of parties. Expert evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the state, and parents' counsel, and, if the child is to be evaluated, by counsel for the child. If no agreement can be reached, the court shall select the expert evaluator.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services & Corrections.

SB 6590 by Senators McAuliffe, B. Sheldon, Prentice, Kline, Fairley, Brown, Poulsen, Eide, Shin, Franklin, Berkey, Thibaudeau, Fraser, Kohl-Welles, Spanel and Rasmussen

Requiring seat belts on school buses.

Provides that every school bus must provide safety belts for use by each person riding the bus. The safety belts must be of a design to provide a lap belt for pelvic restraint and a shoulder belt to restrain upper torso movement. The safety belts are required in all school buses purchased on or after June 30, 2004, and must be retrofitted to all school buses by June 30, 2010.

Appropriates the sum of five hundred thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 2005, from the highway safety fund to the superintendent of public instruction to carry out the purposes of this act.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Education.

SB 6591 by Senators Thibaudeau, Brandland, Parlette and Franklin

Eliminating the state forensic pathology fellowship program.
Eliminates the state forensic pathology fellowship program.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Government Operations & Elections.

SB 6592 by Senators Morton, Hargrove, Mulliken, Rasmussen, Swecker, Horn, Haugen, T. Sheldon, McCaslin, Sheahan and Parlette

Distinguishing growth management update responsibilities between slower and faster growing cities and counties.
Distinguishes growth management update responsibilities between slower and faster growing cities and counties.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Land Use & Planning.

SB 6593 by Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley

Prohibiting discrimination against consumers' choices in housing.

Finds that: Congress has preempted the regulation by the states of manufactured housing construction standards through adoption of construction standards for manufactured housing (42 U.S.C. Sec. 5401-5403); and this federal regulation is equivalent to the state's uniform building code.

Finds that congress has declared that: (1) Manufactured housing plays a vital role in meeting the housing needs of the nation; and

(2) Manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans (42 U.S.C. Sec. 5401-5403).

Declares an intent to protect the consumers' rights to choose among a number of housing construction alternatives without restraint of trade or discrimination by local governments.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Financial Services, Insurance & Housing.

SB 6594 by Senators Benton and Zarelli

Establishing response and investigation requirements for community complaints against certificated education professionals and requiring community members on admissions and professional conduct advisory committee.

Declares that all parents and members of the community have the right to file, with the educational service district superintendent, a written and signed complaint alleging that a certificated education professional within the superintendent's educational service district is not of good moral character or personal fitness or has committed an act of unprofessional conduct.

Requires the educational service district superintendent to provide the person filing the complaint with written notice within five working days of what actions will be taken in response to the complaint.

Requires the membership of the admissions and professional conduct advisory committee created by the superintendent of public instruction to include representatives of parents and the school district's community members who are not also employees of the school district or private schools.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Education.

SB 6595 by Senators Kohl-Welles, Eide, Brown, Fraser, Prentice, Kline, McAuliffe, Keiser, Fairley and Spanel

Establishing a wage ladder for child care workers.

Declares an intent to increase wages to child care workers through establishing a wage ladder that provides increased wages for child care workers based on their work experience, level of responsibility, and education.

Requires the division of child care and early learning in the department of social and health services to establish further program standards by rule. The division of child care and early learning shall also study the impact of the wage ladder on the quality of child care and the child care work force, and report its findings to the governor and the appropriate committees of the legislature by December 1, 2005.

Appropriates the sum of two million dollars, or as much thereof as may be necessary, from the general fund to the department of social and health services for the fiscal year ending June 30, 2005, to carry out the purposes of this act.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services & Corrections.

SB 6596 by Senators Fraser, Keiser and Thibaudeau

Concerning adulterated commercial feed.

Declares that a commercial feed is deemed to be adulterated if it is, or it bears, or contains any animal protein prohibited in ruminant feed that is unsafe within the meaning of federal regulations promulgated under section 409 of the federal food, drug, and cosmetic act (21 U.S.C. Sec. 348).

Provides that any person convicted of intentionally violating RCW 15.53.902(4) or the rules issued thereunder is guilty of a gross misdemeanor as provided in RCW 9A.20.021.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture.

SB 6597 by Senators Deccio, Thibaudeau, Carlson, Regala, Keiser and Rasmussen; by request of Department of Social and Health Services

Allowing limited home care case management resources to be targeted to consumers in greatest need.

Recognizes the importance of case management as a critical home and community care service and maintains its commitment to this system of services; however, the legislature also affirms that in the event of limited case management resources, case management service expectations should match available resources.

Finds that limited case management resources should be targeted to those with the greatest care needs and the least ability to meet those needs.

Repeals RCW 74.39.030.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Health & Long-Term Care.

SB 6598 by Senators Esser, Schmidt, Mulliken, Rasmussen, Parlette and Stevens

Regulating the provision of wholesale telecommunications services by public utility districts.

Concludes that attorney general opinion number 3 (April 23, 2001) agrees with the legislature's original intent in chapter 81, Laws of 2000. Therefore, based on information gathered during the October 2003 inspection, as well as attorney general opinion number 3 (April 23, 2001), the legislature makes the following statement of intent: (1) Public utility districts must be strictly limited to providing wholesale telecommunications services; and

(2) The deployment of a public utility district's telecommunications facilities must be limited to the district's telecommunications distribution network up to and including the transition equipment at a customer's premises.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Technology & Communications.

SB 6599 by Senators Honeyford, Swecker, Parlette, Haugen, Sheahan and Rasmussen

Monitoring cholinesterase.

Provides that, in implementing any rules adopted pursuant to RCW 49.17.050(4) that require agricultural employers to implement a monitoring program for employees who handle category I or II organophosphate or N-methyl-carbamate pesticides, the department must collect and analyze data to determine whether mandatory testing is warranted and, if so, what thresholds of exposure to pesticides should trigger mandatory testing.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture.

Senate Joint Memorials

SJM 8039 by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Murray, Spanel, Rasmussen, Winsley and Benton

Requesting relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process.

Requests relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Government Operations & Elections.

SJM 8040 by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Keiser, Murray, Spanel, Brown, Eide, Rasmussen, Winsley and Benton

Requesting funding for veterans' health care needs.

Requests that the President will ensure the U.S. DVA health care system in Washington State will be adequate to serve the current and future demands of our state's veterans.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Government Operations & Elections.

SJM 8041 by Senators Jacobsen, Berkey, Schmidt, Kastama, Kline, Keiser, Kohl-Welles, Spanel, Eide, Rasmussen and Winsley

Requesting federal support for health care parity.

Requests that the United States Congress pass and the President of the United States sign, "The Health Care Parity for Legal Transportation and Recreational Activities Act."

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Health & Long-Term Care.

SJM 8042 by Senators Hargrove, Stevens, Carlson, B. Sheldon, Spanel and Rasmussen

Requesting a ban on television advertising of violent video and computer games.

Requests a ban on television advertising of violent video and computer games.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Children & Family Services & Corrections.

SJM 8043 by Senators Rasmussen, Brown, Shin and Spanel

Requesting the elimination of preferences given to asparagus under the Andean Trade Preference Act.

Requests that Congress immediately eliminate the preference given to asparagus and asparagus products under the Andean Trade Preference Act and refuse to extend any further protection to Andean asparagus producers upon expiration of the Act.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Agriculture.

Senate Joint Resolutions

SJR 8222 by Senators Esser, Stevens, Roach,
Benton and Mulliken

Amending the Constitution to require voter approval of taxes.

Proposes an amendment to the state Constitution to require voter approval of taxes.

-- 2004 REGULAR SESSION --

Jan 26 First reading, referred to Ways & Means.

LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

SENATE

HOUSE

HB 2859	Supp. 8	HB 2942	Supp. 10
HB 2860	Supp. 8	HB 2943	Supp. 10
HB 2861	Supp. 8	HB 2944	Supp. 10
HB 2862	Supp. 8	HB 2945	Supp. 10
HB 2863	Supp. 8	HB 2946	Supp. 10
HB 2864	Supp. 8	HB 2947	Supp. 10
HB 2865	Supp. 8	HB 2948	Supp. 10
HB 2866	Supp. 8	HB 2949	Supp. 10
HB 2867	Supp. 8	HB 2950	Supp. 10
HB 2868	Supp. 8	HB 2951	Supp. 10
HB 2869	Supp. 8	HB 2952	Supp. 10
HB 2870	Supp. 8	HB 2953	Supp. 10
HB 2871	Supp. 8	HB 2954	Supp. 10
HB 2872	Supp. 8	HB 2955	Supp. 10
HB 2873	Supp. 8	HB 2956	Supp. 10
HB 2874	Supp. 8	HB 2957	Supp. 10
HB 2875	Supp. 8	HB 2958	Supp. 10
HB 2876	Supp. 8	HB 2959	Supp. 10
HB 2877	Supp. 9	HB 2960	Supp. 10
HB 2878	Supp. 9	HB 2961	Supp. 10
HB 2879	Supp. 9	HB 2962	Supp. 10
HB 2880	Supp. 9	HB 2963	Supp. 10
HB 2881	Supp. 9	HB 2964	Supp. 10
HB 2882	Supp. 9	HB 2965	Supp. 10
HB 2883	Supp. 9	HJM 4030	Supp. 1
HB 2884	Supp. 9	HJM 4031	Supp. 1
HB 2885	Supp. 9	HJM 4032	Supp. 6
HB 2886	Supp. 9	HJM 4033	Supp. 7
HB 2887	Supp. 9	HJM 4034	Supp. 7
HB 2888	Supp. 9	HJM 4035	Supp. 7
HB 2889	Supp. 9	HJM 4036	Supp. 7
HB 2890	Supp. 9	HJM 4037	Supp. 7
HB 2891	Supp. 9	HJM 4038	Supp. 8
HB 2892	Supp. 9	HJM 4039	Supp. 9
HB 2893	Supp. 9	HJR 4214	Supp. 6
HB 2894	Supp. 9	HJR 4215	Supp. 7
HB 2895	Supp. 9	HCR 4412	Supp. 3
HB 2896	Supp. 9	HCR 4413	Supp. 3
HB 2897	Supp. 9	HCR 4414	Supp. 3
HB 2898	Supp. 9	HCR 4415	Supp. 3
HB 2899	Supp. 9	HCR 4416	Supp. 7
HB 2900	Supp. 9		
HB 2901	Supp. 9		
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HB 2903	Supp. 9		
HB 2904	Supp. 9		
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